S.B.CRIMINAL MISC.2ND BAIL APPLICATION NO.4646/2006
(Banwari Lal V/s State)

Date of order : : 02.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Trilok Joshi, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor. The learned counsel for the petitioner states that Kaushalya Devi has turned hostile. There was no motive on the part of Banwari Lal. The eye witnesses have not seen the occurrence. He also states that the petitioner is an old man and is behind bars for last 2 and ½ years, therefore, the accused petitioner be enlarged on bail.

On the other hand, the learned Public Prosecutor opposed the bail application and states that from the evidence of Chanan Ram and Mam Raj, medical evidence and recovery of lathi and other incriminating article, there is enough material on record against the petitioner and therefore, the bail should not be granted.

I have considered the rival submissions made by the learned counsel for the parties. Looking to the facts and circumstances of the case, without commenting anything on merit, I do not find any ground to release the petitioner on bail. Accordingly, the present bail application is dismissed. However, the learned trial Court is directed to expedite the trial.

(KRISHAN KUMAR ACHARYA), J.

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